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TO: Office of Finance, Refund Section **DATE:** November 9, 2001

FIRM: U.S. Patent and Trademark Office **FAX NO:** (703) 308-5077

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FROM: Ronald Abramson **TEL NO:** (212) 837-6404

MESSAGE:

Serial No.: 09/675,958

Filing Date: 9/29/00

Applicant: KUSUMOTO et al.

Examiner: not assigned

Group Art Unit: 2161

Attorney Docket No.: 13376.0001

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November 9, 2001

VIA FACSIMILE

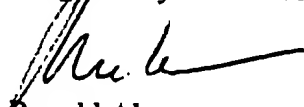
Director of the United States Patent and Trademark Office
Office of Finance, Refund Section
Washington, D.C. 20231

Re: Application No.: 09/675,958
Filing date: 9/29/00
Group Art Unit: 2161
Examiner: not assigned
Applicant: KUSUMOTO et al.
For: System and Method for Consumer-Selected
Advertising and Branding in Interactive Media
Attorney Docket No.: 13376.0001 (B)

Dear Sir:

In response to your letter mailed November 5, 2001, the petitioner hereby requests a refund of the \$1240 surcharge fee submitted with a petition under 37 C.F.R. 1.78(a)(6) on September 21, 2001, for the above-referenced patent application. As requested, a copy of the November 5 letter is enclosed herewith. Please send a refund check to the Attorney of Record.

Respectfully submitted,


Ronald Abramson
(Reg. No. 34,762)
Attorney for Applicant

Enclosure

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: <u>11-26-01</u>		2 Serial/Patent # <u>09/675958</u>	
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED
	Filing		\$
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✓	Petition		9-21-01 \$ 1240
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10 REASON:			
	Overpayment		
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✓	No Fee Due (Explanation):		
<u>Petition was dismissed as moot</u>			
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME: <u>Karen Creasy</u>		TITLE: <u>Petitioner's Exm.</u>	
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APPROVED: <u>Olivia Kelly</u>		DATE: <u>11-26-01</u>	

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Paper No. 6

**HUGHES HUBBARD & REED LLP
ONE BATTERY PARK PLAZA
NEW YORK, NEW YORK 10004-1482**

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NOV 05 2001

In re Application of
Laura Lee Kusumoto et al
Application No. 09/675,958
Filed: September 29, 2000
Attorney Docket No. 13376.0001

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.78(a)(6), filed September 21, 2001, to accept an unintentionally delayed claim under 35 USC 119(e) for the benefit of a prior filed provisional application.

The petition is **DISMISSED** as moot.

The instant application was filed on September 29, 2000. A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. See 65 F.R. 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,240 surcharge fee received on September 21, 2001, is unnecessary. Accordingly, petitioner may request, in writing, a refund of the \$1,240 surcharge fee submitted. The request should be directed to the Office of Finance, Refund Section, and should be accompanied by a copy of this decision.

Any inquiries concerning this decision on petition may be directed to Frances Hicks at (703) 305-8680.

This application is being forwarded to Technology Center AU 2161 for processing of the amendment filed September 21, 2001, requesting the benefit of priority to provisional Application No. 60/204,179 and for examination in due course.

Frances Hicks
Frances Hicks

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
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